

# ARKANSAS SUPREME COURT

No. CR 05-1042

NOT DESIGNATED FOR PUBLICATION

ARCHIE ROSS  
Appellant

v.

STATE OF ARKANSAS  
Appellee

Opinion Delivered April 6, 2006

*PRO SE* MOTIONS FOR ACCESS TO  
TRANSCRIPT AND TO EXTEND TIME TO  
FILE BRIEF AND FOR LEAVE TO FILE  
BELATED BRIEF [CIRCUIT COURT OF  
CRITTENDEN COUNTY, CR 2005-89, HON.  
DAVID N. LASER, JUDGE]

MOTION FOR ACCESS TO TRANSCRIPT AND  
TO EXTEND TIME TO FILE BRIEF MOOT;  
MOTION FOR LEAVE TO FILE BELATED  
BRIEF DENIED; APPEAL DISMISSED

## PER CURIAM

The Crittenden County Circuit Court entered an order that found that Archie Ross was convicted of certain criminal charges in West Memphis District Court on December 1, 2004, and dismissed Mr. Ross's appeal of that conviction because that appeal had not been filed in the Circuit Court within 30 days as required by Inferior Ct. R. 9. Mr. Ross had filed a notice of appeal of those convictions in the circuit court on December 7, 2004, along with a number of *pro se* motions and other pleadings at later dates. On July 8, 2005, the city attorney filed a motion to dismiss on behalf of West Memphis and the State, asserting that the record from district court had not been lodged in the circuit court within the time required under the rule. The appeal was dismissed and the circuit court remanded to the district court to enforce the judgment.

Mr. Ross has now lodged an appeal of that order in this court. Appellant Ross, who is proceeding *pro se* and *in forma pauperis*, previously sought an extension of time to file the appellant's brief and access to a copy of the record to prepare the brief. We granted appellant access to the record and an extension, with the brief due on February 21, 2006. *Ross v. State*, CR 05-1042 (Ark. January 12, 2006) (*per curiam*). On February 28, 2006, appellant filed a *pro se* motion for access to a hearing transcript and to extend the time to file appellant's brief. On March 10, 2006,

appellant filed a *pro se* motion for leave to file a belated brief.

Appellant did not file his motion to extend the time to file his brief until after the date his brief was due.<sup>1</sup> In his motions, appellant provides no reason for the delay in filing for an extension of time, other than that he requires the complete record in order to prepare his brief. Appellant does not assert that the lack of access to a complete record prevented him from timely filing for an extension of time to file his brief, and it is not apparent how lack of access to the transcript of the hearing could have prevented his filing for an extension of time prior to the date his brief was due.

All litigants, including those who proceed *pro se*, must bear responsibility for conforming to the rules of procedure. *Peterson v. State*, 289 Ark. 452, 711 S.W.2d 830 (1986) (*per curiam*); *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (*per curiam*); *Thompson v. State*, 280 Ark. 163, 655 S.W.2d 424 (1983) (*per curiam*). See also *Tarry v. State*, 353 Ark. 158, 114 S.W.3d 161 (2003) (*per curiam*). The *pro se* appellant receives no special consideration on appeal. *Elliott v. State*, 342 Ark. 237, 27 S.W.3d 432 (2000). See *Gibson v. State*, 298 Ark. 43, 764 S.W.2d 617 (1989). Because appellant has failed to state good cause for his delay in requesting an extension of time in which to file his brief, we must deny his motion to file a belated brief, and dismiss the appeal. His motion for access to the hearing transcript is therefore moot.

Motion for access to transcript and to extend time to file brief moot; motion for leave to file belated brief denied; appeal dismissed.

---

<sup>1</sup> A motion to extend the brief time tendered after the date to file a brief has passed would not ordinarily be filed. An appellant is required to seek that relief, instead, through a motion for belated brief. Here, the appellant also sought other relief in the motion. Because the motion sought other relief, and, in addition, the appellant did file a motion for belated brief, we permitted the tendered motion to extend the brief time to be filed.